

A6 relatively high there is no significant influence on current diffusion capability and operating voltage.

**IN THE CLAIMS**

**Please amend claim 1 as follows:**

A7  
1. {ONCE AMENDED} A light -emitting diode comprising:  
a semiconductor substrate; and  
a layered structure, made of an AlGaInP type compound semiconductor material and provided on the semiconductor substrate,  
wherein the layered structure comprises:  
a light-emitting structure composed of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and  
a current diffusion layer comprising an AlGaInP type material which is lattice-mismatched with the light-emitting structure, wherein a lattice mismatch  $\Delta a/a$  of the current diffusion layer with respect to the light-emitting structure defined by the following expression is -1% or smaller:  
$$\Delta a/a = (a_d - a_e)/a_e$$
  
where  $a_d$  is a lattice constant of the current diffusion layer, and  $a_e$  is a lattice constant of the light-emitting structure.  
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**Please add the following new claims 11-14:**

A8  
--11. {NEW} A light-emitting diode, comprising:  
a semiconductor substrate; and  
a layered structure comprising an AlGaInP type compound semiconductor material provided on the semiconductor substrate, the layered structure comprising:

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a light-emitting structure comprising of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and  
a current diffusion layer comprising an AlGaInP type compound semiconductor material, the current diffusion layer being lattice-mismatched with the light-emitting structure.

12. {NEW} The light-emitting diode as in claim 11, wherein a lattice mismatch  $\Delta a/a$  of the current diffusion layer with respect to the light-emitting structure is defined by

$$\Delta a/a = (a_d - a_e)/a_e$$

where  $a_d$  is a lattice constant of the current diffusion layer, and  $a_e$  is a lattice constant of the light-emitting structure.

13. {NEW} The light-emitting device as in claim 12, wherein the lattice mismatch is - 1% or smaller.

14. {NEW} A light-emitting diode, comprising:

a semiconductor substrate; and

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a layered structure comprising an AlGaInP type compound semiconductor material provided on the semiconductor substrate, the layered structure comprising:

a light-emitting structure comprising a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers;

a current diffusion layer which is lattice-mismatched with the light-emitting structure and the semiconductor substrate; and wherein

the semiconductor substrate is inclined in a [011] direction with respect to a (100) plane thereof. --